

1 Vanessa L. Holton, Chief Counsel SBN 111613  
 2 Frank Nelson Adkins, Asst. Chief Counsel SBN 60396  
 3 Therese da Luz, Counsel SBN 168486  
 4 *Email: [tdaluz@dir.ca.gov](mailto:tdaluz@dir.ca.gov)*  
 5 Kumani L. Armstrong, Counsel, SBN 221109  
 6 *Email: [karmstrong@dir.ca.gov](mailto:karmstrong@dir.ca.gov)*  
 7 State of California  
 8 Department of Industrial Relations  
 9 Office of Director – Legal Unit  
 10 455 Golden Gate Avenue, Suite 9516  
 11 San Francisco, CA 94102  
 12 Telephone No.: (415) 703-4240  
 13 Facsimile No.: (415) 703-4277

14 Attorneys for Defendant  
 15 DEPARTMENT OF INDUSTRIAL RELATIONS/DOSH

RECEIVED  
 2010 DEC 10 P 3:58  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

FILED  
 DEC 13 2010  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

11 IN THE UNITED STATES DISTRICT COURT  
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION

14 SARAH BERRY,  
 15 Plaintiff,

16 v.

17 CA DEPT. OF INDUSTRIAL  
 18 RELATIONS/DOSH,  
 19 Defendant.

Civil Case No. CV-10-2775-BZ

**[PROPOSED] ORDER DISMISSING  
 PLAINTIFF'S EMPLOYMENT  
 DISCRIMINATION COMPLAINT**

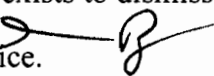
Courtroom: G, 15<sup>th</sup> Floor  
 450 Golden Gate Avenue,  
 San Francisco, California


Judge: Magistrate Bernard Zimmerman

Complaint Filed: June 24, 2010

23 Defendant's Motion to Dismiss regularly came on calendar for hearing on October 27,  
 24 2010. Therese da Luz appeared for Defendant and moving party. Plaintiff appeared in forma  
 25 pauperis. Both sides having presented written and oral argument, the matter was submitted for  
 26 decision. After considering all arguments, this Court issued an Order on October 27, 2010, as  
 27 follows (in relevant part): 1. DIR's motion to dismiss is granted with leave to amend; and 2. If  
 28 Berry desires to proceed with this lawsuit, she must file an amended complaint by November 29,

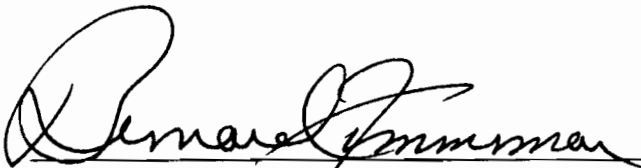
1 2010. If plaintiff does not amend or otherwise comply with this Order by November 29, 2010, this  
2 case will be dismissed.

3 Plaintiff has failed to amend the complaint by November 29, 2010, in noncompliance with  
4 this Court's Order; GOOD CAUSE thus exists to dismiss plaintiff's employment discrimination  
5 complaint in its entirety, ~~and with prejudice.~~ 

6 Plaintiff's employment discrimination complaint is hereby dismissed in its entirety, ~~and~~  
7 ~~with prejudice.~~ 

8 The case management conference presently scheduled for January 24, 2011, at 4:00 p.m.  
9 is VACATED.

10  
11  
12 Dated: 13 Dec, 2010

  
HON. BERNARD ZIMMERMAN  
U.S. Magistrate Judge